IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22687 of 2004

Between:

K. Thirupathi, S/o. Venkataiah,
Vemulavada, Karimnagar Dsitrict. **... PETITIONER**

AND

1 Swayambu Sri Varasiddi Vinayaka Swamy Vari Devasthanam, Kanipakam, Irala Mandal, Chittoor District,
rep. by its Executive Officer.
2 The Commissioner, Endowments Department, Boggulakunta, Tilak Road, Hyderabad.
3 The Government of Andhra Pradesh, Department of Revenue (Endowments), rep. by its Prl. Secretary, Secretariat, Hyderabad. **...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction one in the nature of writ of Mandamus, declaring the action of the respondent No.1 in putting the public auction notice No. RC. J1/1844/2004, dated: 03.12.2004 for lease of collection of broken coconut halves in respondent No.1 temple, without disposing the application of the petitioner for extension of time as illegal, void, and consequentially, direct the respondents to extend the lease of the petitioner for a period of one year or for the period of eight months for which the petitioner suffered loss in business on account of demolition of shops by the respondent temple for the purpose of implementing the master plan.

Counsel for the Petitioner: Mr. N.GURU GOPAL

Counsel for the Respondent No.1:Mr. N.VENUGOPALA RAO

Counsel for the Respondent Nos.2 & 3: G.P.FOR ENDOWMENTS

The Court at the admission stage made the following :

O R D E R:

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The petitioner emerged as the highest bidder for the contract for collecting coconut halves in the first respondent temple, for the period from 1.1.2004 to 31.12.2004. His bid was Rs.7,04,000/-. He claims to have paid the entire bid amount.

The petitioner urges that on account of removal of the shops, particularly those in which coconuts used to be sold, within the vicinity of the temple, there was depletion in the offering or breaking of the coconuts in the temple premises, and thereby, he sustained heavy losses. He claims to have made a representation on 10.05.2004 to the second respondent, the approving authority, to extend the period of contract up to 30.04.2005, so that he can compensate the loss. The grievance of the petitioner is that even while the representation is pending and orders therein are awaited, the first respondent temple issued a tender notice dated 3.12.2004, inviting tenders for the period from 1.1.2005 to 31.12.2005. The petitioner seeks appropriate direction in this regard.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and the learned standing counsel for the first respondent temple.

There is no dispute as to the period for which the petitioner emerged as the successful tenderer, or as to the payment of the amount by the petitioner. It is pleaded by the petitioner that on account of shifting of the shops, there was substantial reduction in the number of coconuts that used to be offered or broken in the temple premises. It is too difficult for this Court to express any opinion, or record any finding on these aspects. It is for the respondents 1 and 2 to consider these matters. If there is any truth in the contention or allegation of the petitioner, they can certainly take the same into account and adopt necessary measures. Once the petitioner has submitted a representation, the same needs to be considered and it is for the respondents to take the ultimate decision, within a reasonable time.

Hence, without expressing any opinion on the merits, the writ petition is disposed of, directing that the respondents 1 and 2 shall dispose of the representation, said to have been submitted by the petitioner on 10.05.2004. If they are satisfied with the contention of the petitioner that he has sustained any loss on account of the factors attributable to the acts and omissions on the part of the temple administration, they can pass appropriate orders granting either remission of the rent, or extending the

period corresponding to such loss. On the other hand, if they are not satisfied with the contention, they can proceed with the award of contract for the subsequent period. This exercise shall be completed by 25.12.2004. Any steps taken in pursuance of the tender notice shall be subject to orders that may be passed pursuant to the directions issued in this writ petition. There shall be no order as to costs.

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8th December, 2004

Note: Issue copy by tomorrow.

(B/o)

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To

1. The Executive Officer, Swayambu Sri Varasiddi Vinayaka Swamy Vari Devasthanam, Kanipakam, Irala Mandal, Chittoor District.
2. The Commissioner, Endowments Department, Boggulakunta, Tilak Road, Hyderabad.
3 The Principal Secretary, Department of Revenue (Endowments), Government of Andhra Pradesh,

Secretariat, Hyderabad. 4 Two C.Cs. to the Government Pleader for Endowments,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies